

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

Muka v. Muka

2026-Ohio-1137 · No. 30585 · Decided March 31, 2026

SUMMARY

The Ninth District Court of Appeals dismissed Elias Muka’s attempted appeal from a divorce decree because the trial court had not valued or divided the parties’ jointly owned business. The court held that the decree was not final and appealable under R.C. 3105.171(B) and Civ.R. 75(F)(1). The court therefore did not reach the merits of the assignments of error concerning property division, financial misconduct, attorney fees, support, and contempt.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Donna J. Carr; Flagg Lanzinger; Stevenson
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	March 31, 2026
DOCKET	30585
DISPOSITION	dismissed
PROCEDURAL POSTURE	Husband appealed a Summit County Court of Common Pleas divorce decree after the trial court denied his motion for a new trial. The appellate court sua sponte reviewed whether the decree was a final appealable order and dismissed the attempted appeal without reaching the assignments of error.
STANDARD OF REVIEW	The appellate court independently reviewed its subject-matter jurisdiction and the finality of the appealed judgment sua sponte.
PRECEDENTIAL VALUE	Published
PARTIES	Elias Muka v. Ida Muka

TOPICS

- final judgment rule
- appellate jurisdiction
- divorce
- equitable distribution
- family law procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the divorce decree was a final appealable order when the trial court failed to value and divide the parties' jointly owned business.
2. Whether the appellate court had jurisdiction to reach Husband's assignments of error concerning property division, financial misconduct, attorney fees, income calculation, and contempt.

HOLDINGS

1. A divorce decree is not a final appealable order when it fails to determine the status and value of marital property and does not divide all of the parties' property. Because the trial court neither valued the business nor awarded it to either party, the decree failed to comply with Civ.R. 75(F)(1).
2. The appellate court lacked jurisdiction to consider Husband's assignments of error because the attempted appeal was from a judgment that was not final and appealable.

KEY QUOTATIONS

“This Court has jurisdiction to hear appeals only from final appealable orders. In the absence of a final appealable order, this Court must dismiss the appeal.” (¶ 15)

“For purposes of Civ.R. 54(B), the court shall not enter final judgment as to a claim for divorce, dissolution of marriage, annulment, or legal separation unless . . . [t]he judgment also divides the property of the parties” (¶ 16)

“Thus, the trial court’s judgment is not final and appealable, and Husband’s assignments of error are not properly before us at this juncture.” (¶ 18)

FACTUAL BACKGROUND

Ida and Elias Muka were married in Albania in 2010 and had two minor children. They jointly owned IL Dolce, LLC, doing business as Borghese Wines, which was their primary source of income. In the divorce proceedings, the trial court found financial misconduct by Husband, awarded Wife a distributive award from the marital-home-sale proceeds, and entered a divorce decree without valuing or expressly awarding the business to either party. The decree also addressed support, attorney fees, contempt, and other financial matters.

PROCEDURAL HISTORY

Wife filed for divorce in February 2021. After extensive proceedings, including contempt, discovery, financial-misconduct, property-distribution, and attorney-fee issues, the trial court entered a divorce decree in December 2022. Husband moved for a new trial, filed a notice of appeal, and the appellate court remanded for the trial court to address the new-trial motion; after the motion was denied, the appeal proceeded. The appellate court determined that the decree did not divide the parties' business and therefore was not final and appealable.

DISPOSITION

dismissed

CASES CITED

- State v. Tate, 2014-Ohio-3667, ¶ 21
- Cusack v. Cusack, 2022-Ohio-2248, ¶ 6 (9th Dist.)
- Schmitt v. Ward, 2018-Ohio-4401, ¶ 4 (9th Dist.)
- Whitaker-Merrell Co. v. Carl M. Geupel Constr. Co., Inc., 29 Ohio St.2d 184, 186 (1972)
- Wallace v. Wallace, 2016-Ohio-630, ¶¶ 3, 6 (9th Dist.)

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